



**To:** Member Municipality Fund Commissioners, Municipal Clerks, & Risk Managers

**From:** Paul A. Forlenza, MGA, RMC, Executive Director

**Date:** May 17, 2023

**Re:** 2024-2025 Employment Practices Liability (EPL) Risk Management Program

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As you are aware, once every two (2) years, the New Jersey Municipal Excess Liability Joint Insurance Fund (MEL) requires all members to update their compliance with the MEL's Employment Practices Liability (EPL) Risk Management Program. Compliance with this program requires all members to complete various steps including the adoption of updated personnel policies and procedures and attendance at, or completion of, various training events.

To assist you in this endeavor, attached, you will find information pertaining to compliance with the EPL Risk Management Program. Below, you will also find additional information regarding the compliance steps and important deadlines.

- 1. Personnel Policies and Procedures:** Attached is a May 10, 2023 memorandum from the MEL that provides an outline of the changes made to the model policies and procedures, hyperlinks to access the revised documents, and compliance checklist. **All checklists must be submitted to the MEL at the address on the bottom of the checklist by November 1, 2023.**
- 2. Managers and Supervisors Training:** Attached is the invitation to the Managers & Supervisor's training which is being held via Zoom. Please note if you serve in multiple municipalities, you only need to attend this course once on behalf of all municipalities where you work. **All Managers and Supervisors need to complete this training by November 1, 2023.**
- 3. Police Command Officer Training:** Attached is the invitation to the Police Command Staff training. Officers with the rank of Chief, Deputy Chief, Captain, Lieutenant, and any officer that is eligible to sit for a Chiefs exam should attend this training. **Police Command staff need to complete this training by November 1, 2023.**
- 4. Employee and Volunteer Training (Other than Managers, Supervisors and Police Command Officers):**
  - **Employment Practices:** A new on-line program is in production and will be available in the MEL Learning Management System shortly. When the program is available on-line, you will receive a notice to send to employees and volunteers. **All non-supervisory employees and volunteers including police (other than Command Officers) must be offered this training by November 1, 2023.**

File: ACM/BURLCO/TRICO/GEN/EPL Plan of Risk Management Tab: 2024-2025  
ACM/BURLCO/TRICO/GEN/SAM Plan of Risk Management Tab: 2024-2025



## Municipal Excess Liability Joint Insurance Fund

9 Campus Drive – Suite 216  
Parsippany, NJ 07054  
Tel (201) 881-7632  
Fax (201) 881-7633

To: Members - Municipal Excess Liability Joint Insurance Fund  
(Municipalities and Utility Authorities)

From: David N. Grubb, Executive Director

Date: May 10, 2023

Re: **2024 - 2025 Employment Practices Liability (EPL) Program**

**Please allow this memorandum to serve as official notice that the 2024-2025 Employment Practices Liability Program has begun.**

Every two years the MEL reviews applicable laws and regulations to update the Model Personnel Manual, Model Employee Handbook and Model Volunteer Handbook. In addition, members are asked to complete training geared towards Managers & Supervisors, Non-Supervisory Employees and Police Command Staff training. For information, we are attaching a memorandum that outlines the changes made to the current model documents.

95% of MEL members have adopted the MEL's model employment practices risk control program and are eligible for lower deductibles. These programs must be updated every two years to remain eligible.

**Please visit the MEL webpage – [www.njmel.org](http://www.njmel.org) - for downloadable copies of the revised model documents.**  
**OR**

**Click this link to the program: <https://njmel.org/insurance/public-officials/risk-management-program/>**

Members with updated loss control programs receive the standard EPL deductible of \$20,000 per claim plus a 20% co-pay capped at \$50,000 and may be eligible to buy down deductibles and co-insurance caps (See note below concerning members with adverse EPL claims experience).

To qualify for the lower deductibles, have your General Counsel or Employment Attorney complete the one-page form checking the minimum requirements for updating the plan. It is not necessary to attach any further documentation. Mail the completed form to MEL Fund Office, 9 Campus Drive, Suite 216, Parsippany, NJ 07054. (copy attached)

Members submitting the required form by **November 1, 2023** will qualify or continue to qualify for the deductible incentives. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Members without updated loss control programs will have a deductible of \$100,000 per claim plus a 20% co-pay with no cap. (See note below concerning members with adverse EPL claims experience).

**Members with adverse EPL claims experience:** Members with adverse loss experience will have a deductible of \$75,000 if they have an updated loss control plan and \$150,000 if they do not – in addition to the co-pay (as outlined above). In a few cases, the insurance carrier will establish higher deductibles for members due to exceptionally poor experience.

## Required Elements for the Incentive

1. **Employment Attorney/Advisor:** An Employment Attorney or an Employment Advisor usually provides advice concerning personnel matters. However, the member may designate its General Counsel if experienced in employment matters.
2. **Personnel Policies and Procedures Manual:** To facilitate this process, the MEL has developed a Revised Model Personnel Policies and Procedure Manual that members are free to use at their discretion. Members can adopt the model, take sections from the model and place them in their existing personnel manual, or write their own policies that cover the subjects in the model.
3. **Conscientious Employee Protection Act Notice:** This notice (in both English and Spanish) must be posted on the bulletin board and distributed to all personnel. The notice required by the NJ Department of Labor is included in the Model Personnel Policies and Procedures Manual. (copy can also be found on the MEL webpage – njmel.org)
4. **Employee Handbook:** The handbook must be updated and distributed to all personnel. To facilitate this process, the MEL has developed a Model Employee handbook that members are free to use at their discretion which can be found on the MEL webpage – njmel.org.
5. **Model Local Unit Civil Rights Resolution (municipalities only):** Adopt the model resolution which can be found on the MEL webpage – njmel.org.
6. **Managerial and Supervisory Training:** Court decisions made personnel training for managerial and supervisory "mandatory". A signed acknowledgement that the manager or supervisor has completed training within the last 12 months must be placed in the personnel files. Training is also mandatory for the Municipal Judge, the heads of volunteer emergency service organizations such as Volunteer Fire Departments, EMS units, and the heads of organizations such as Library Boards and Planning Boards, etc., that are involved in personnel matters.
  - a. The MEL has developed a Model Managers & Supervisors training program that will be available be offered as a Live Webinar through the MEL Safety Institute. You will receive directions on how to access this program from you JIF's Executive Director.
7. **Police Chief, Captains and Lieutenants Training:** Because Police Departments are involved in a high percentage of employment related litigation, Police Chiefs and at least one other command officer must complete employment-practices training that takes into consideration the Attorney General's guidelines for police operations.
  - a. J.A. Montgomery's Law Enforcement Unit has already been conducting this training program & will be scheduling more throughout the state.
8. **Training for All Other Personnel:** Court decisions also require employers to offer anti-harassment and related personnel training to all employees.
  - a. The non-supervisory training video is in the final stages. Once available, instructions to access the program will be distributed by your JIF's Executive Director.
9. **MEL EPL Helpline:** The MEL includes a helpline to its members at no additional cost. For information, we are including a copy of the helpline.

For assistance, please contact the MEL office or the office of your local JIF Executive Director.

### Attachments:

- **Synopsis of Changes**
- **Checklist**
- **MEL Helpline**

MATTHEW J. GIACOBBE, Partner  
[mgiacobbe@cgajlaw.com](mailto:mgiacobbe@cgajlaw.com)

Reply to: Oakland Office

To: Member Entities  
 From: Matthew J. Giacobbe, Esq.  
 Nicholas DelGaudio, Esq.  
 Fred Semrau, Esq.

Date: March 13, 2023

Re: Changes to Employee Handbook and Personnel Policies and Procedures Manual

The Municipal Excess Liability Joint Insurance Fund (“MEL”) has made suggested modifications to the Model Employee Handbook and Personnel Policies and Procedures Manual (“PPPM”) for our members’ consideration. Several of the changes made were to make the related policies in the Employee Handbook and PPPM more uniform, while other revisions were made due to changes in law. Below is a brief explanation of the changes that have been made.

- Sick Leave Policy

In accordance with COVID-19-related updates to the Earned Sick Leave Law, an additional reason for which sick leave may be used was added in both the PPPM and Employee Handbook. In addition, a note was added in both the PPPM and Employee Handbook to clarify that employers may choose to require up to seven (7) days’ notice for foreseeable sick leave usage under the Earned Sick Leave Law.

- Alcohol and Drug-Free Workplace

Changes were made in the PPPM to account for the legalization of recreational cannabis, including the addition of language relating to the requirement that there be documentation of physical signs of impairment in addition to a positive drug test in order to subject an employee to adverse action. Language was also added to provide that applicants cannot be denied employment based solely on a pre-employment positive drug test for cannabis, with some listed exceptions. In the Policy Prohibitions section, cannabis was added to the portion discussing alcohol, as it would no longer fit under the illegal drugs portion that precedes it.

Language that is no longer applicable due to the legalization of cannabis was also removed throughout the policy. On the Pre-Employment Consent and Release Form, the language “for certain employment positions” was added after “Cannabinoids” because employers will no longer need to test for cannabis in pre-employment panels for most positions. In the Employee Handbook, the word “unlawful” was removed before “drugs” in order to make clear that the use of cannabis in the workplace is still prohibited.

**Oakland Office: 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601**  
 Somerville Office: 50 Division Street, Suite 501, Somerville, NJ 08876 Tel 732 583-7474 Fax 201 644-7601  
 Matawan Office: 955 State Route 34, Suite 200, Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753

- Domestic Violence Policy

Letter (E) under the Domestic Violence Reporting Procedures in the PPPM was removed due to it only being applicable to issues between State employees.

- Personal Day Policy

More details were added to the Personal Day Policy in the PPPM in order to match the language included in the same policy found in the Employee Handbook.

- Equal Employment Opportunity Policy and Americans with Disabilities Policy

The protected categories of pregnancy, breastfeeding and childbirth were added to make the policy uniform with the Employee Handbook policy. An additional paragraph regarding breastfeeding accommodations was also added to the Americans with Disabilities Policy to further explain necessary accommodations.

- Family and Medical Leave Policy

Language was added in the PPPM to clarify that the employer may choose to include in their policy that employees are either required to use accrued paid leave during an FMLA-covered leave or may choose to use accrued paid leave. A “utilization of paid leave” section was added to the Employee Handbook to mirror the PPPM. In addition, the Family Temporary Disability section was updated to remove the “six weeks” and “effective July 2020” language.

- New Jersey Family Leave

An additional reason that NJFLA leave may be taken was added in both the PPPM and Employee Handbook, in accordance with COVID-19 related updates to the law. Changes were also made in the PPPM Policy to reinforce and clarify that NJFLA leave may be taken consecutively, intermittently or on a reduced schedule with little restriction, and to clarify the notice requirements for intermittent leave.

- Policy for Use of Employer Vehicles (Non-Law Enforcement)

A provision regarding employees driving their own vehicles for employer business providing the employer with a copy of their current certificate of insurance was added in the PPPM in order to make this policy uniform with the Employee Handbook policy.

- Overtime

The highly-compensated employee overtime exemption was updated from \$100,000 to \$107,432 to reflect current law. In addition, language was added to clarify that the employer may choose to include in its policy that only time actually worked is considered for purposes of determining overtime compensation.

- Hours of Work

In the Employee Handbook’s Attendance and Tardiness section, a change was made to make the suggested time by which an employee must call out match the time found in the PPPM Absenteeism and Tardiness policy.

- Personnel Records

Some additions were made to the Employee Handbook policy in order to mirror the PPPM version of the policy.

The Ethical Conduct Policy and Resignation Policy found in the Employee Handbook were added to the PPPM in order to ensure every policy in the more streamlined Employee Handbook is also contained in the larger manual.

We urge you to consult with your entity's General or Labor Counsel regarding these recommended changes.

**EMPLOYMENT PRACTICES BEST PRACTICES CHECKLIST**

Name of Municipality or Authority: \_\_\_\_\_

**SECTION ONE:**

- Adopt and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual:

Required Policies to be included in Manual:

1. Equal Employment Opportunity Policy
2. Americans with Disabilities Act Policy
3. Contagious or Life Threatening Illnesses Policy
4. Safety Policy
5. Alcohol and Drug-Free Workplace
6. Workplace Violence Policy
7. Policy Against Harassment
8. Whistle Blower Policy
9. Overtime
10. Confidentiality of Personnel Files
11. Political Activity Policy
12. Performance Evaluation Policy
13. Discipline and Termination Policy
14. Use of Employer Vehicles Policy (Non-Law Enforcement)
15. Computer Use, Electronic Mail, and Internet Policy
16. Family and Medical Leave Act Policy
17. New Jersey Family Leave
18. Military Leave Policy
19. Domestic Violence Abuse Leave Policy
20. Employment Reference
21. Protection and Safe Treatment of Minors

**SECTION TWO:**

- Distribute a notice concerning the Conscientious Employee Protection Act to all personnel
- Adopt and distribute the Employee Handbook:
- Adopt the model civil rights resolution (municipalities only).
- Train managerial and supervisory personnel:
- Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course (municipalities only)
- Offer Anti-Harassment training to all other personnel:
- Review NJ MEL Helpline for Employment Practices.

I, \_\_\_\_\_, the (check \_\_General Counsel or \_\_Employment Attorney) of (member name)\_\_\_\_\_ hereby certify that the member has verified to me that the above actions have been completed and that I have read the Personnel Policies and Procedures Manual and the Employee Handbook.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Telephone: \_\_\_\_\_

**To qualify for the Employment Practices Liability standard policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 216, Parsippany, NJ 07054 or [scantwell@permainc.com](mailto:scantwell@permainc.com) as soon as possible. Members submitting this form by November 1, 2023 will qualify or continue to qualify for the deductible. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.**



## Questions about employment issues? Call the New MEL Employment Practices Helpline

The MEL Safety Institute is pleased to announce the establishment of a NEW MEL Employment Practices Helpline (EPL), a dedicated resource to guide members on employment related issues.

The MEL EPL Helpline is staffed by attorneys that specialize in New Jersey employment law and understand the MEL JIF system. The three law firms staffing the EPL Helpline are affiliated with local Joint Insurance Funds (JIFs).

**Who can use the EPL Helpline?** MEL member municipalities will select and approve two individuals to use the helpline.

**What hours is the EPL Helpline available?** The helpline will be staffed during normal business hours, 9 a.m. – 5 p.m. Voicemail can be left afterhours for a callback.

**What kinds of issues can be addressed?** Any employment related topics or policies and procedures related to issues such as:

- Hiring
- Termination
- Harassment
- Discrimination
- Promotion/Demotion
- And more...

**What are the MEL EPL Helpline numbers?** MEL members can choose to call any of the MEL EPL Helpline firms listed below.

**MEL EPL HELPLINE:**

**732-583-7474**

Jodi Howlett  
Cleary Giacobbe Alfieri Jacobs LLC  
955 State Route 34, Suite 200  
Matawan, NJ 07747955

**MEL EPL HELPLINE:**

**609-522-5599**

David S. DeWeese  
The DeWeese Law Firm  
3200 Pacific Avenue  
Wildwood, New Jersey 08260

**MEL EPL HELPLINE:**

**973-334-1900**

Fred Semrau  
Dorsey & Semrau  
714 Main Street  
Boonton, NJ 07005

**What happens after the call?** The attorney will provide the member with transcript of the call that includes recommendations. If the issue is beyond the scope of the MEL EPL Helpline the attorney will provide direction to the member on where to get appropriate assistance. All calls are confidential.







**To:** Fund Commissioners, Municipal Clerks, & Risk Management Consultants  
**From:** Paul A. Forlenza, MGA, RMC, Executive Director  
**Date:** May 17, 2023  
**Subject:** Managers & Supervisors – Employment Practices Liability Training

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Beginning in June, the Atlantic County, Burlington County, and Gloucester, Salem Cumberland Counties Municipal Joint Insurance Funds are sponsoring Employment Practices Liability Training for all member Managers & Supervisors. For many years, State & Federal Courts have determined that training of Managers & Supervisors is an essential part of an affirmative defense in an employment related claim. Completion of this training is mandatory for a member municipality to be in compliance with the MEL's Employment Practices Liability Risk Management Program. Member municipalities in compliance with the Risk Management Plan are eligible for lower claim deductibles and coinsurance.

This training is being conducted virtually using Zoom by Armando Riccio, Esq. Among other subjects, this year's training will focus on harassment and discrimination in the workplace, workplace diversity issues, addressing employee complaints and discipline, workplace accommodations, your role and obligations as a supervisor or manager, and the enforcement of municipal policies and procedures.

Attached, please find a listing of the available training dates and times with a hyperlink that can be used to register for the session you wish to attend as well as instructions on how to register. Please note that each session will be the same in the materials covered and each session is limited to 100 participants. An application will be made to the Department of Community Affairs for Continuing Education Units.

**About Zoom Training:**

- A Zoom account is not needed to attend a class. Attendees can log-in and view the presentations from a laptop, smartphone, or tablet.
- Registration is required. Once registered you will receive the webinar link for your class, be sure to save the link on your calendar to access the day of training.

Thank you for your attention to this important matter.

File: ACM/BURLCO/TRICO/GEN/EPL Plan of Risk Management Tab: 2024-2025



Date	Course Topic - Registration Link	Time
7/13/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:30 am
7/13/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:30 pm
7/27/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:30 am
7/27/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:30 pm
9/11/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:30 am
9/11/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:30 pm
9/27/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:30 am
9/27/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:30 pm
10/11/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	9:00 - 11:30 am
10/11/2023	<a href="#">MEL EPL Risk Management Program - Managers &amp; Supervisors Training - ACM, BURLCO &amp; TRICO JIF's</a>	1:00 - 3:30 pm

## 2023 Police Command Staff Training Invitation

The 2023 Atlantic County Municipal Joint Insurance Fund, Burlington County Municipal Joint Insurance Fund, Gloucester, Salem, and Cumberland Counties Municipal Joint Insurance Fund Police Command Staff Training will be offered in person on (3) different dates with (2) sessions each day.\*

### Details:

As part of their continuing commitment to Police Command Staff Training, the Atlantic, Burlington, and Gloucester, Salem, Cumberland Counties Municipal Joint Insurance Funds jointly sponsor a seminar on Police Risk Management. The seminar is intended for all Command Staff who manage or supervise other officers within your municipality. This includes but is not limited to Chiefs, Deputy Chiefs, Lieutenants, Captains, Sergeants, and Corporals. Attendance at bi-annual employment practices training is mandatory for Police Command Staff to comply with the MEL's 2024-2025 Employment Practices Liability (EPL) Plan of Risk Management. Failure to attend training can lead to costly litigation and may result in higher co-pays and deductibles for EPL.

Please forward this e-mail to your Police Department for their review and action. If you do not have a Police Department, you can disregard this invitation. Advanced registration is required for these in-person sessions. Each of the three (3) training dates will include AM & PM sessions. Each session is identical in the materials to be covered.

\*If multiple sessions are offered for any specific training, members only need to attend (1) session.

**DATE:** Thursday, June 8, 2023  
**TIME:** 9:00 AM – 11:45 AM (8:15 AM Sign-In; then Breakfast)  
**LOCATION:** Merighi's Savoy Inn, 4940 Landis Ave, Vineland, NJ 08360

**RSVP**

**DATE:** Thursday, June 8, 2023  
**TIME:** 1:00 PM – 3:30 PM (12:00 PM Sign-in, then Lunch)  
**LOCATION:** Merighi's Savoy Inn, 4940 Landis Ave, Vineland, NJ 08360

**RSVP**

**DATE:** Monday, June 12, 2023  
**TIME:** 9:00 AM – 11:45 AM (8:15 AM Sign-In; then Breakfast)  
**LOCATION:** Indian Spring Country Club, 115 S Elmwood Rd, Marlton, NJ 08053

**RSVP**

**DATE:** Monday, June 12, 2023  
**TIME:** 1:00 PM – 3:30 PM (12:00 PM Sign-In; then Lunch)  
**LOCATION:** Indian Spring Country Club, 115 S Elmwood Rd, Marlton, NJ 08053

**RSVP**

**DATE:** Thursday, June 22, 2023  
**TIME:** 9:00 AM – 11:45 AM (8:15 AM Sign-In; then Breakfast)  
**LOCATION:** Auletto Caterers, 1849 Cooper St, Deptford, NJ 08096

**RSVP**

**DATE:** Thursday, June 22, 2023  
**TIME:** 1:00 PM – 3:30 PM (12:00 PM Sign-In; then Lunch)  
**LOCATION:** Auletto Caterers, 1849 Cooper St, Deptford, NJ 08096

**RSVP**

**QUESTIONS?** Melissa Meccariello at 856-470-2070  
[mmeccariello@jamontgomery.com](mailto:mmeccariello@jamontgomery.com)

**J.A. Montgomery**  
CONSULTING